

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCTOBER 1, 1999

IN RE:)	
)	
PETITION OF P.V. TEL OF TENNESSEE,)	DOCKET NO. 99-00360
LLC FOR APPROVAL OF AN INTRALATA)	
TOLL DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on June 22, 1999, at a regularly scheduled Authority Conference, to consider the Petition of P.V. Tel of Tennessee, LLC ("P.V. Tel") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 97 U.S.C. §§151 *et seq.*

FILE

with the state commission for exemption, suspension or modification of the dialing parity requirements.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

P.V. Tel is a telecommunications company operating pursuant to Authority Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee.

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Pursuant to 47 C.F.R. § 51.213, P.V. Tel is required to file a plan with the Authority that provides for intraLATA toll dialing parity throughout the exchanges served by P.V. Tel in Tennessee.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

P.V. Tel filed its intraLATA Toll Dialing Parity Implementation Plan on May 20, 1999, with an amendment on June 10, 1999. The Plan, as amended, containing P.V. Tel's Petition for Approval, is attached hereto as Exhibit I and is fully incorporated herein by this reference.

The Directors considered P.V. Tel's Plan at the June 22, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve P.V. Tel's Toll Dialing Parity Plan as amended, with the requirement that P.V. Tel comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

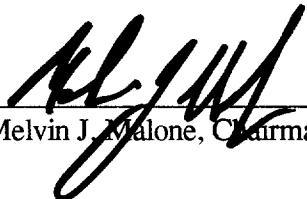
⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

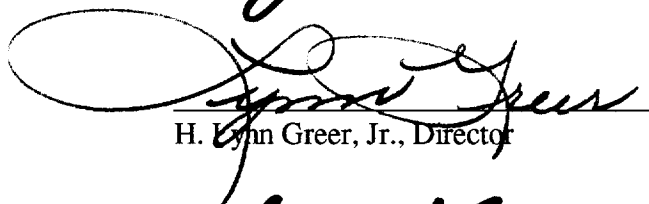
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

IT IS THEREFORE ORDERED THAT:

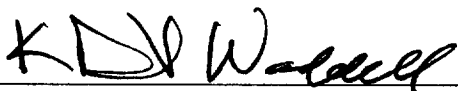
1. The amended Plan of P.V. Tel of Tennessee, LLC for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit I, is hereby approved and is incorporated in this Order as if fully rewritten herein;
2. P.V. Tel of Tennessee, LLC shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and
3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tn. 37243-0505

June 8, 1999

RECEIVED
EXEC. SECRETARY OFF.

JUN 10 1999

TN REGULATORY AUTHORITY

Re: IntraLATA Toll Dialing Parity

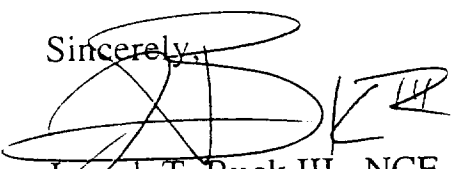
99-00360
Revised

Mr. Waddell:

Per your letter dated April 29, 1999 and with the subsequent assistance of your staff, enclosed please find an original and 13 copies of the P.V. Tel of Tn. LLC Resale IntraLATA Toll Dialing Parity Plan along with 13 copies of the P.V. Tel of Tn. LLC CLEC IntraLATA Toll Dialing Parity Plan. We believe that the enclosed plan(s) now meet all FCC and TRA requirements as defined by your staff.

Should you have any questions or require further information please feel free to contact me directly at (423)578-1961.

Sincerely,


Joseph T. Buck III NCE
President

RECEIVED
EXEC. SECRETARY OFF.

JUN 10 1999

cc. H. Walker

TN REGULATORY AUTHORITY

**Resale
Intralata Toll
Dialing Parity
Plan**

RECEIVED
EXEC. SECRETARY OFF.
JUN 10 1999
TN REGULATORY AUTHORITY

99-00360

Revised

**P.V. Tel. of Tn. LLC
June 6, 1999**

I. IntraLATA Environment

P.V. Tel customers are currently provided IntraLATA dialing parity via P.V. Tel.'s resold service offerings from both BellSouth and Sprint-United. This provides each P.V. Tel customer with full 2-PIC (primary Interexchange Carrier) selectivity in parity with existing resale services. This service was effective in the Sprint regions upon our initial TRA approval in February of 1998. The service was available for our BellSouth customer regions in April of 1999 when BellSouth 2-pic service became available.

II. Carrier Selection Procedures

Utilizing a 2-PIC methodology, customers will be able to pre-subscribe to one telecommunications carrier for interLATA and presubscribe to the same or a different telecommunications carrier for intraLATA toll services.

P.V.Tel. employees who communicate with the public, accept customer orders and/or service customer accounts have been trained to explain the process and alternatives to customers and assist in the selection of both interLATA and intraLATA carriers.

III. Customer Education / Notification

P.V. Tel. has already educated both our employees and our customers to the 2-PIC availability. All existing customers have been allowed to select separate carriers for interLATA and intraLATA services since P.V. Tel began offering service within the state of Tennessee. P.V. Tel. has educated our customer services representatives on the 2-PIC availability. Customers contacting P.V. Tel for local service will be offered the opportunity to select an IntraLATA carrier of their choice. A list of currently available IntraLATA carriers is available to the customer upon request. In the event that the customer chooses not to select or have selected for them, an IntraLATA carrier, a no-pic will be placed on the order. In that event the customer will be required to select a carrier for IntraLATA dialing on a call by call basis using carrier access codes.

IV. Access to Operator Services and Directory Assistance

Access to Operator Services and Directory Assistance will continue to be available thru both the customer's local exchange carrier or their interLATA carrier. Access to such services will be provided on a nondiscriminatory basis. For Operator Services, customers dial "0" to reach their local exchange operator and "00" to reach their interLATA operator service. For Directory Assistance customers dial "1-411" inside P.V. Tel's local service territory and "1-NPA-555-1212" for accessing their interLATA carrier's Directory Service.

V. List of Available IntraLATA Toll Dialing Parity Exchanges

See Attachment A

VI. Cost Recovery

There will be no additional charges for the implementation of IntraLATA toll dialing parity within the P.V. Tel switching network. Costs charged by other LEC's which are passed on to P.V. Tel via TRA approved resale agreements will be passed on to customers on a pass-thru basis.

VII. Charge for PIC changes

P.V. Tel will charge a service fee as outlined in its tariff for customers requesting a PIC change after the installation of their service has been completed. There will be no PIC charge for initial service installation.

VII. Conformation to FCC and TRA requirements

P.V. Tel will comply with any and all FCC and TRA rules and regulations including those concerning to the provisioning of IntraLATA Toll Parity. P.V. Tel will also conform to any and all anti-slamming rules and regulations approved by both the FCC and the TRA.

VIII. Anti-Slamming

It is P.V. Tel's policy to educate every employee on the current rules regarding customer slamming. In no event shall an employee issue a PIC change request without the express written consent of the customer via a signed LOA form.

Any customer notifying P.V.Tel that an IXC has slammed them from their desired service will be restored to the carrier of their choice at no charge and notification will be given to the appropriate regulatory authorities of the offending carrier.

Attachment A
IntraLATA Toll Dialing Parity
Available Exchanges

City

LATA

Johnson City
Kingsport
Bristol
Elezabethton
Greeneville
Church Hill
Blountville
Jonesborough
Midway
Rogersville
Morristown
Sevierville
Knoxville
Chattanooga
Nashville
Memphis
Cleveland

N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
N.E. Tennessee
Knoxville
Knoxville
Knoxville
Knoxville
Chattanooga
Nashville
Memphis
Chattanooga